

R E M A R K S

- Claims **1-61 and 63-68** were pending before the amendments made herein.
- Claim **50, 60, and 61** have been **cancelled**.
- Claims **1, 45, 46, 52, 53, 56, 57, 58, 63, 64, and 66** have been **amended**.
 - claims 1, 52, 53, 56, 57, 58, 63, 64, and 66 are independent claims (all of the independent claims that will remain pending after the amendment made herein) and have been amended to each recite the same feature, not taught or suggested by the prior art
 - claim 45 has been amended to correct an inadvertent typographical error noted in a review of the application
 - claim 46 has been amended to be consistent with amendments made to claim 1, from which claim 46 is dependent
- Claims **69 – 71** have been **added**. Claims 69 – 71 are dependent claims, each dependent on claim 1.
- Upon entry of this amendment, which is respectfully requested for the reasons set forth below, claims **1 – 49, 51 – 59, and 63 – 71 will remain pending**.
- All amendments made herein and the newly added claims are believed to be fully supported by the specification as filed.

I. Telephone Interview

Applicants thank Examiner for extending the courtesy of a telephone interview on February 04, 2003. As discussed during the interview, the prior art does not teach or suggest homeowners agreeing to post information about their homes that are not for sale. Accordingly, such homeowners do not have the same motivations or interest in being contacted by persons interested in the homeowner's home. For example, a homeowner that is not marketing his home as for sale but is willing to have information about the home made available to viewers may not necessarily want to engage in communications with the viewers of the information. This is in stark contrast to a homeowner that is actively marketing his home for sale. This latter

homeowner is very motivated and willing to engage in communications with anyone that is interested in the home. Since the claimed embodiments of the present invention are directed at homeowners whose homes are not currently being marketed for sale and who is not necessarily interested in communicating with every viewer of information regarding the home, certain criteria may need to be satisfied before a viewer is allowed to communicate with the homeowner. For example, a viewer may only be allowed to communicate with a homeowner if the homeowner's willingness to sell the home is at least equal to a predetermined threshold. For example, if the homeowner whose home is not currently being marketed as being for sale is not completely opposed to selling his home, a viewer may be allowed to communicate with the homeowner. The amendments made herein are directed towards such a feature and are believed to be in conformance with the amendments discussed during the interview.

If Examiner has any questions or concerns regarding these amendments or any other matter regarding the present application, Examiner is sincerely invited to contact Applicants' representative at (203) 461-7041 or mfincham@walkerdigital.com.

II. RCE

This Amendment and Response is being filed in response to a Final Office Action. Accordingly, Applicants have filed herewith a Request for Continued Examination, in accordance with 37 C.F.R. §1.114 and the requisite fee. Continued Examination is thus believed to be properly requested.

III. §103(a) Rejection

Claims 1 – 67 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,584,025 to Keithley (hereinafter "Keithley") in view of U.S. Patent 5,819,092 to Ferguson (hereinafter "Ferguson"). Of the rejected claims, only claims 1, 52, 53, 56, 57, 60, 63, 64, 66, and 67 are independent. Claim 60 has been cancelled herein, thus rendering the rejection of it moot.

Independent Claims 1, 52, 53, 56, 57, 63, 64, and 66

Claims 1, 52, 53, 56, 57, 63, 64, and 66 have each respectively been amended to recite the following features:

the home is not currently being marketed as being for sale
and the steps of
determining a rating of the homeowner's willingness to sell the home; and
allowing the viewer to communicate with the homeowner if the rating is at
least equal to a predetermined rating

These features are not taught or suggested by either Keithley or Ferguson, alone or in combination. Keithley teaches a system where real estate agents or homeowners wishing to sell a home may post information about the home on a computerized system, where the information is accessible by persons who may be interested in purchasing the home ("end users"). Keithley does not contemplate information about homes that are not for sale being posted. For example, the references to homeowners of homes in Keithley all tie into the "For Sale by Owner Database" (emphasis added) and what information about the homeowners may be stored there. The other persons that may post information about a home in Keithley are real estate agents. Since real estate agents support themselves with commissions from completed sales of homes, it is highly unlikely that they would post information about homes that are not for sale.

Examiner asserted that Keithley discloses that "a user may view real estate that need not be for sale but for fostering related ideas of all kinds (col 10, lines 4 – 12 and col 7, lines 20 – 23)". (pg 3 of paper no. 13). However, this passage merely discloses that the viewer or end user may view information posted about a home without the intention or interest in purchasing the home. This passage does not indicate that the home about which information is being viewed is not for sale. It is known that when a homeowner markets a home as being for sale it may attract persons that merely want to view the home for ideas or out of curiosity without any intention of purchasing the home. However, the viewer's reasons for viewing information about the home are distinct from whether the homeowner is marketing the home as being for sale. The fact that information posted about a home may attract viewers that are not really interested in

purchasing the home but are merely curious or looking for ideas (e.g., decorating ideas) is one of the reasons why certain features of Applicants' claimed invention are valuable. Applicants' invention contemplates the posting of information about a home that is not for sale. In other words, the homeowner is not actively marketing the home as being for sale and thus may not wish to be bothered by anyone and everyone that is interested in knowing more about the home. Because, as disclosed in Keithley and discussed above, posting information about a home may attract many persons that are merely curious about the home or looking for ideas, allowing all such viewers to communicate with the homeowner may not be desirable if the homeowner is not willing to sell the home. Unlike a homeowner that is actively trying to sell his home (who may be willing to engage with communications about the home with anyone expressing any interest at all in the home, in the hopes that that person may be tempted to purchase the home), a person not interested in selling his home may wish to avoid such communications. Accordingly, Applicants have also amended the above-listed independent claims to recite that communication between a viewer and homeowner is allowed if a rating of the homeowner's willingness to sell is at least equal to a predetermined threshold. Such a feature may prevent a homeowner that is not at all willing (or only slightly willing) to sell his home from being bothered every time a viewer of the home information desires to communicate with the homeowner.

Keithley does not teach or disclose rating a homeowner's willingness to sell. Keithley does not teach or disclose the performance of any step as being at all dependent or based on such a rating. One of the reasons for this may be that, as stated earlier, Keithley does not teach or disclose information about a home that is not for sale being posted to viewer. Accordingly, there is no need or use for a rating of a homeowner's willingness to sell in Keithley since every homeowner that posts their home for sale in Keithley is presumably willing to sell their home.

Keithley does not teach or suggest allowing a viewer to communicate with a homeowner only if a certain condition is met (if a rating of the homeowner's willingness to sell the home is at least equal to a predetermined rating). On the contrary, Keithley allows direct communication between viewer and the homeowner at the viewer's discretion (col.

9, lines 39 – 59). Thus, a homeowner may be bombarded with communications from viewers without any filtering mechanism in place for determining whether the communication should be allowed. This allowance of direct communication between the viewer and the homeowner at the viewer's discretion makes sense because in Keithley the homeowner is a homeowner of a home that is for sale. Accordingly, the homeowner in Keithley is very willing to communicate with anyone that may potentially be interested in purchasing the home. In Applicants' invention, as discussed above, a homeowner may not necessarily be so willing to communicate with a viewer because the homeowner's home is not currently for sale.

Similarly, Ferguson does not teach or suggest posting information about a home (or other type of property) that is not currently being marketed for sale, nor of allowing a viewer of the information to communicate with the homeowner if a rating of the homeowner's willingness to sell the home is at least equal to a predetermined amount. Ferguson teaches a system where a person posting information on an online computer system may receive payment in exchange for posting such information. However, in Ferguson either the information itself is for sale or the product that the information is describing is for sale. Ferguson does not contemplate posting information about property that a viewer may be interested in purchasing when the property is in fact not for sale.

Ferguson does not teach or disclose filtering or controlling the communications between a viewer of content and the content provider based on any criteria, much less based on the content provider's willingness to sell the property that the content is describing. To the contrary, Ferguson discloses that a viewer of the content may communicate with the content provider directly. There is no teaching or suggestion of "allowing" the communication between the viewer and the content provider based on whether certain criteria are met. Accordingly, neither Keithley nor Ferguson, alone or in combination, teach or suggest the claimed invention.

Independent Claim 58

Claim 58 is a method consistent with one or more embodiments of the present invention, as practiced by the homeowner who provides information about his home. Claim 58 has been amended herein to recite the following features:

the home is not currently being marketed as being for sale and
providing to the home viewing system information enabling a determination of a
rating of a willingness to sell the home;
providing to the home viewing system one or more criteria; and
agreeing to receive communications from a viewer of the picture if the rating of
the willingness to sell is at least equal to a predetermined rating and the viewer satisfies the one
or more criteria.

Such features are not taught or suggested by either Keithley or Ferguson, alone or in combination. As already discussed above, neither Keithley nor Ferguson contemplate the posting of information about a home, by a homeowner, where the home is not currently being marketed as for sale. As also already discussed, neither Keithley nor Ferguson contemplate determining a rating of a homeowner's willingness to sell the home, since Keithley and Ferguson only contemplate posting information about homes that are for sale which presumably means that there is no need for determining the homeowner's willingness to sell. Accordingly, there is no teaching or suggestion in either Ferguson or Keithley that a content provider provides information enabling the determination of such a rating.

Further, since a homeowner in Keithley and Ferguson is actively trying to sell his home, the homeowner is willing to communicate with anyone that views information about the home in the hope that the viewer may be interested in purchasing the home. Thus, there is no need to filter the communications by providing certain criteria that the viewer must provide in order to allow the communication. Also, as discussed above, both Keithley and Ferguson discuss that a viewer of information may directly communicate with homeowner or content provider as the viewer desires. There are no conditions that have to be met in Keithley or Ferguson before such a communication is allowed. There is certainly no teaching or suggestion in Keithley or Ferguson of criteria that a homeowner provides for purposes of determining whether a communication with a viewer will be allowed.

Independent Claim 67

Claim 67 is a data structure claim of a data structure organized according to a structure that includes certain specified data objects. Claim 67 has been amended such that it now recites that the data structure includes a data object of a rating, the data object being accessible from the home information data object and representing a willingness of a homeowner to sell the home that is the subject of the home information. As discussed above, neither Keithley nor Ferguson, alone or in combination, teach or suggest rating a willingness of a homeowner to sell his home. Accordingly, neither Keithley nor Ferguson teach or suggest storing a data object representing such a rating in association with information about a home.

Remaining Claims

The rejected claims which have not been expressly referred to above are all dependent claims, and are submitted as patentable at least on the same basis as their respective parent independent claims.

Motivation to Combine

Regarding the feature that payment is provided to a homeowner in exchange for the homeowner's agreement to post information about the home to viewers, Examiner asserted that "it would have been obvious to one of ordinary skill in the art to add Ferguson's compensating the information provider method to Keithley's method for tracking and viewing data. One would have been motivated to do this so that Keithley has a way to award content providers who provide key information." (pg. 2 – 3 of paper no. 13). Applicants respectfully traverse this assertion.

First, Applicants respectfully assert that the above statement does not provide proper support for why a person of ordinary skill in the art at the time of Applicants' invention would have found it obvious to combine the payment to content providers in Ferguson with the real estate posting system of Keithley. A motivation to combine must be supported in the record by a particular teaching in the prior art references themselves or particular knowledge of one of ordinary skill in the art. A conclusion that a benefit

may result from the combination proposed by Examiner is not sufficient motivation to combine.

Second, Applicants respectfully disagree that it would be obvious to combine the payment to content providers of Ferguson with the real estate posting system of Keithley. In Keithley, a homeowner is motivated to post information about his home in order to promote the sale of the home. The homeowner in Keithley will be rewarded for posting the information when the home is sold as a result of posting the information. There is no need or motivation to pay the homeowner in exchange for the information. In fact, homeowners typically pay in exchange for posting information about a home on a real estate site by means of a payment for the advertising space or a commission that is a percentage of a sale price of the home. Due to the built-in motivation and potential reward of the homeowner in selling his home, there is no need to provide the homeowner with additional payment in exchange for information about a home in Keithley. In Applicants' invention, on the other hand, since the homeowner is not motivated by the desire to sell his home or the proceeds from the sale of his home, there is an economic reason for providing the homeowner payment in exchange for the homeowner's agreement to post information about his home.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7041 or via electronic mail at mfincham@walkerdigital.com.

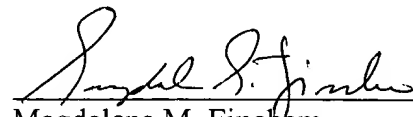
Petition for Extension of Time to Respond

Applicants hereby petition for a **one-month** extension of time with which to respond to the Office Action. Please charge \$55.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

February 7, 2003
Date


Magdalena M. Fincham
Agent for Applicants
Registration No. 46,085
Walker Digital, LLC
mfincham@walkerdigital.com
203-461-7041 / voice
203-461-7300 / fax

CLAIM AMENDMENTS
MARKED UP FORM

Claims 1, 45, 46, 52, 53, 56, 57, 58, 63, 64, 66, and 67 have been amended as follows:

1. (AMENDED) A method for providing home information about a home owned by a homeowner, comprising:

arranging for the homeowner of a home that is not currently being marketed as being for sale to receive compensation in exchange for allowing the home information to be transmitted, the compensation being based on compensation information associated with the home: [and]

arranging for the home information to be transmitted to a viewer;

determining a rating of the homeowner's willingness to sell the home; and

allowing the viewer to communicate with the homeowner if the rating is at least equal to a predetermined rating.

45. (AMENDED) The method of claim 1, further comprising:

receiving from the viewer an offer to purchase the home; and

storing the offer in a database[; and].

46. (AMENDED) The method of claim 45, [further comprising] wherein the step of allowing the viewer to communicate with the homeowner comprises:

notifying the homeowner of the offer.

52. (AMENDED) A method for arranging the display of a picture of a home owned by a homeowner, comprising:

receiving from the homeowner an agreement allowing the picture of the home to be displayed,

wherein the home is not currently being marketed as being for sale;

arranging for compensation to be provided to the homeowner in exchange for receiving the agreement, the compensation being based on compensation information associated with the home; [and]

arranging for the picture to be displayed to a viewer;

determining a rating of the homeowner's willingness to sell the home; and

arranging for the viewer to communicate with the homeowner if the rating is at least equal to a predetermined rating.

53. (AMENDED) A method for displaying a picture of a home owned by a homeowner, comprising:

receiving from the homeowner an agreement allowing the picture of the home to be displayed,

wherein the home is not currently being marketed as being for sale;

providing periodic compensation to the homeowner in exchange for receiving the agreement, the compensation being based on compensation information associated with the home;

arranging for the picture to be remotely displayed to a viewer without providing information associated with the identity of the homeowner to the viewer; [and]

charging a fee to the viewer;

determining a rating of the homeowner's willingness to sell the home; and

allowing the viewer to communicate with the homeowner if the rating is at least equal to a predetermined rating.

56. (AMENDED) A remote home viewing device, comprising:

a processor; and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor to:

arrange for a homeowner to receive compensation in exchange for allowing home information to be transmitted, the compensation being based on compensation information associated with a home owned by the homeowner,

wherein the home is not currently being marketed as being for sale; [and]

arrange for the home information to be transmitted to a viewer;
determine a rating of the homeowner's willingness to sell the home; and
allow the viewer to communicate with the homeowner if the rating is at least
equal to a predetermined rating.

57. (AMENDED) A medium storing instructions adapted to be executed by a processor to perform a method for providing home information about a home owned by a homeowner, said method comprising:

arranging for the homeowner to receive compensation in exchange for allowing the home information to be transmitted, the compensation being based on compensation information associated with the home,

wherein the home is not currently being marketed as being for sale; [and]
arranging for the home information to be transmitted to a viewer;
determining a rating of the homeowner's willingness to sell the home; and
allowing the viewer to communicate with the homeowner if the rating is at least
equal to a predetermined rating.

58. (AMENDED) A method for allowing a picture of a home to be displayed, comprising:

providing to a home viewing system an agreement allowing the picture of the home to be displayed,

wherein the home is not currently being marketed as being for sale;[and]
receiving compensation in exchange for providing the agreement, the compensation being based on compensation information associated with the home;
providing to the home viewing system information enabling a determination of a
rating of a willingness to sell the home;
providing to the home viewing system one or more criteria; and
agreeing to receive communications from a viewer of the picture if the rating of
the willingness to sell is at least equal to a predetermined rating and the viewer satisfies the one
or more criteria.

63. (AMENDED) A method for displaying a picture of a home owned by a homeowner, comprising:
receiving from the homeowner an agreement allowing the picture of the home to be displayed,

wherein the home is not currently being marketed as being for sale;
arranging for the homeowner to receive compensation in exchange for the agreement, the compensation being based on compensation information associated with the home; [and]
arranging for the picture to be remotely displayed to a viewer;
determining a rating of the homeowner's willingness to sell the home; and
allowing the viewer to communicate with the homeowner if the rating is at least equal to a predetermined rating.

64. (AMENDED) A method for displaying a picture of a home owned by a homeowner, comprising:
receiving from the homeowner an agreement allowing the picture of the home to be displayed,

wherein the home is not currently being marketed as being for sale;
receiving from the homeowner information comprising the picture of the home;
receiving information associated with the willingness of the homeowner to sell the home;
determining a rating of the homeowner's willingness to sell the home based on the received information;
arranging for the picture to be remotely displayed to a viewer; [and]
receiving from the viewer an indication of interest to purchase the home; and
allowing the viewer to communicate with the homeowner if the rating is at least equal to a predetermined rating.

66. (AMENDED) A method for providing a picture of a property owned by a property owner, comprising:

arranging for the property owner to receive compensation in exchange for allowing the picture to be displayed, the compensation being based on compensation information associated with the property,

wherein the home is not currently being marketed as being for sale; [and]
arranging for the picture to be displayed to a viewer;
determining a rating of the homeowner's willingness to sell the home; and
allowing the viewer to communicate with the homeowner if the rating is at least
equal to a predetermined rating.

67. (AMENDED) A computer readable medium that stores data accessible by a program executable on a data processing system, the data being organized according to a data structure that includes:

a home information data object associated with a home owned by a homeowner,
the home information data object representing a home that is not currently
being marketed as being for sale; [and]

a compensation data object accessible from the home information data object, the compensation data object being associated with compensation to be provided to the homeowner in exchange for allowing the home information to be transmitted to a viewer;

a rating data object accessible from the home data object, the rating data object
representing a willingness of the homeowner to sell the home.